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OCT 11 2002

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Request for Agency Action by Utah Portland Quarries, Inc., for an Extension of the Suspension Period under the Approved Notice of Intention for the **Little Mountain Quarry** Mining Operation in Tooele County, Utah

Consolidated With

In the Matter of the Request for Agency Action by Utah Portland Quarries, Inc., for an Extension of the Suspension Period under the Approved Notice of Intention for the **Quarry Antone** Mining Operation in Tooele County, Utah

Joint Stipulation Regarding Admission of Evidence and Regarding Submission and Admission of Additional Exhibit

017
Docket No. 2002-~~018~~
Cause No. **M/045/005**

018
Docket No. 2002-~~017~~
Cause No. **M/045/021**

The Division of Oil, Gas and Mining ("Division") and Utah Portland Quarries, Inc. ("Utah Portland") (jointly "the Parties") hereby jointly stipulate to the following two matters in the above-referenced consolidated Requests for Agency Action:

1. Admission into Evidence of Letters, Memoranda and Other Documents Contained in the Division's Permit Files: In support of each of its Requests for


Agency Action, Utah Portland submitted as Exhibits copies of numerous documents from the Division's permit files for the Little Mountain Quarry and the Quarry Antone, including correspondence between the Division and Utah Portland (or its parent Lone Star Industries), technical memoranda written by Division reclamation specialists, permit documents, reclamation bond documents, and other permit-related documents. See Petitioner's Exhibits in Support of Request for Agency Action, Docket No. 2002-⁰¹⁷~~018~~, Cause No. M/045/005 (Sept. 10, 2002); Petitioner's Exhibits in Support of Request for Agency Action, Docket No. 2002-⁰¹⁸~~017~~, Cause No. M/045/021 (Sept. 10, 2002). The Parties hereby stipulate to the admission of those documents and their contents into evidence for purposes of the consolidated hearing on the Requests for Agency Action, consistent with Rules 1003 and 1005 of the Utah Rules of Evidence.

2. Additional Exhibit: The Parties also hereby submit an additional Exhibit (attached) which is a copy of another document from the Division's permit files, and stipulate to the admission of this document into the record for these consolidated Requests for Agency Action on the same basis as is described above in Paragraph 1. This Exhibit, designated as Exhibit A, is a copy of a May 5, 1988 memorandum to the file by Frank Filas, a Division reclamation engineer, regarding the Little Mountain Quarry and Quarry Antone. This memorandum documents the fact that Mr. Filas had been contacted and informed by a representative of Lone Star Industries that


operations at the two quarries had been temporarily suspended, and that Mr. Filas would schedule a site visit for the primary purpose of determining if any interim reclamation would be required. This memorandum is consistent with the affidavits of Harry Philip, submitted by Utah Portland as Exhibits to its Requests for Agency Action, wherein Mr. Philip testifies that operations at the two quarries were suspended in the spring of 1988. See Para. 11, Affidavit of Harry M. Philip, Exhibit 5 to Request for Agency Action in Docket No. 2002-⁰¹⁸~~017~~, Cause No. M/045/021 (Sept. 10, 2002); Para. 11, Affidavit of Harry M. Philip, Exhibit 5 to Request for Agency Action in Docket No. 2002-⁰¹⁷~~018~~, Cause No. M/045/005 (Sept. 10, 2002).

Respectfully submitted this 11th day of October, 2002.

UTAH DIVISION OF OIL, GAS AND
MINING


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Address of Petitioner's Attorney
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, UT 84111

May 5, 1988

To: File

From: Frank Filas, Reclamation Engineer 

Re: Utah Portland Quarries (Lone Star Industries), M/045/005 -
Little Mountain and M/045/021 - Quarry Antone

On May 4, 1988 I spoke by phone (328-4891) with Mr. Taylor Leaming who has replaced Jim Lake at Lone Star Industries. Lonestar has temporarily suspended operations at its quarries and cement plant and is now obtaining its cement from an out of state plant. We also discussed the status of the Parley's Quarry (please reference DOE/035/003 & 004) which has been inactive since 1985.

I informed Mr. Leaming that we would probably schedule a site visit to the permitted quarries with him in the next 4 to 6 weeks. This inspection would be primarily to see if any interim reclamation measures need to be taken at this time.

cc: L. Braxton
W. Hedberg
H. Shepherd

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EXHIBIT A

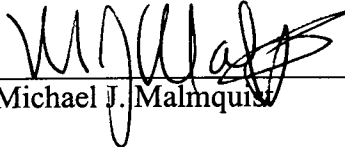
CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2002, I caused to be mailed, postage prepaid, a true and correct copy of the foregoing **Joint Stipulation Regarding Admission of Evidence and Regarding Submission and Admission of Additional Exhibit (M/045/005 – No. 2002-⁰¹⁷~~018~~ & M/045/021 – No. 2002-⁰¹⁸~~017~~, Consolidated)** to:

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